

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID BRADEN,

Petitioner,

v.

MARGARET BAGLEY, Warden,

**Case No. 2:04cv842
JUDGE SARGUS
Magistrate Judge Kemp**

Respondent.

ORDER

Petitioner, a prisoner sentenced to death by the State of Ohio, has pending before this Court a habeas corpus action under 28 U.S.C. §2254. This matter is before the Court upon respondent's unopposed motion for an extension of time to conduct a deposition of Philip Lon Allen. (Doc. # 42.)

On November 2, 2007, this Court issued an order granting respondent leave to depose petitioner's former trial attorney, Philip Lon Allen, and giving respondent forty-five (45) days from that date to complete that deposition. (Doc. # 41.) The deposition was scheduled for December 17, 2007. On December 13, 2007, Mr. Allen asked that the deposition be rescheduled for personal reasons. Counsel for respondent and petitioner agreed to that request. Accordingly, respondent now asks this Court for an extension of time, to January 31, 2008, to complete the deposition of Mr. Allen.

For good cause shown and because petitioner does not object, respondent's motion for an extension of time (Doc. # 42) is GRANTED. Respondent shall have until January 31, 2008 to complete the deposition of Philip Lon Allen.

Further, in accordance with this Court's November 2, 2007 order, the parties shall have

thirty (30) days from the date that Mr. Allen is deposed, or from the date that the time for depositing Mr. Allen expires, to file any motions to expand the record pursuant to Rule 7 of the Rules Governing Section 2254 Cases. The parties shall file any memoranda in opposition and reply memoranda in accordance with Loc. R. 7.2(a)(2).

IT IS SO ORDERED.

/s/ Terence P. Kemp
United States Magistrate Judge